INVESTIGATIVE SUMMARY
INDUSTRY DEPUTY INVOLVED HIT SHOOTING:
DEPUTY & SUSPECT KILLED
SH# 2121392
URN 004-09447-1477-013

DATE / TIME / LOCATION

Wednesday, June 9, 2004
2200 hours
Motel 6
1154 Seventh Avenue, Room #219
Hacienda Heights, Ca.

IAB SHOOTING / FORCE TEAM

Lieutenant Bennett Seno; Sergeant David Stunson and Sergeant John Cleary

INVOLVED PERSONNEL

[redacted], Deputy [redacted] MH/35 5-07 175
Field Operations Region III
Industry Station - Fired two 9mm rounds

Date of Employment: [redacted]
Date Assigned to Patrol:
Date Completed Patrol Training:
Prior Shooting Incidents:
Prior Founded Force Incidents:

MORT, Kenneth E., Deputy #[redacted] MW41 5-11 195 Right Handed
Field Operations Region III
Industry Station - Fired four 9mm rounds

Date of Employment: [redacted]
Date Assigned to Patrol:
Date Completed Patrol Training:
Prior Shooting Incidents:
Prior Founded Force Incidents:

ANGULO, Anselmo. R., Jr., Dep. [redacted] MH/30 5-06 175 Right Handed
Field Operations Region II
Industry Station - Fired four 9mm rounds



Date of Employment: [redacted]
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]

SUSPECT

Smith, Paul Kenneth MW/51

Suspect Smith had a history of mental instability. On January 27, 2003, he was detained by the Sheriff's Department pursuant to 5150 WIC after a friend reported that Smith was not eating, had isolated himself for an extended time in his condominium, was depressed and may try to harm himself (Refer to "Application for 72 Hour Detention" in Exhibit H, page 267). Upon admission to Los Angeles County -U.S.C. Medical Center, he was determined to be gravely disabled. He subsequently spent 370 days at the Motel 6 on Seventh Avenue in Hacienda Heights leading up to the date of the shooting incident.

[redacted]

EMPLOYEE WITNESS

[redacted], Deputy Sheriff, #[redacted]
Industry Station

Antuna, Phyllis L., Deputy Sheriff, #[redacted]
Industry Station

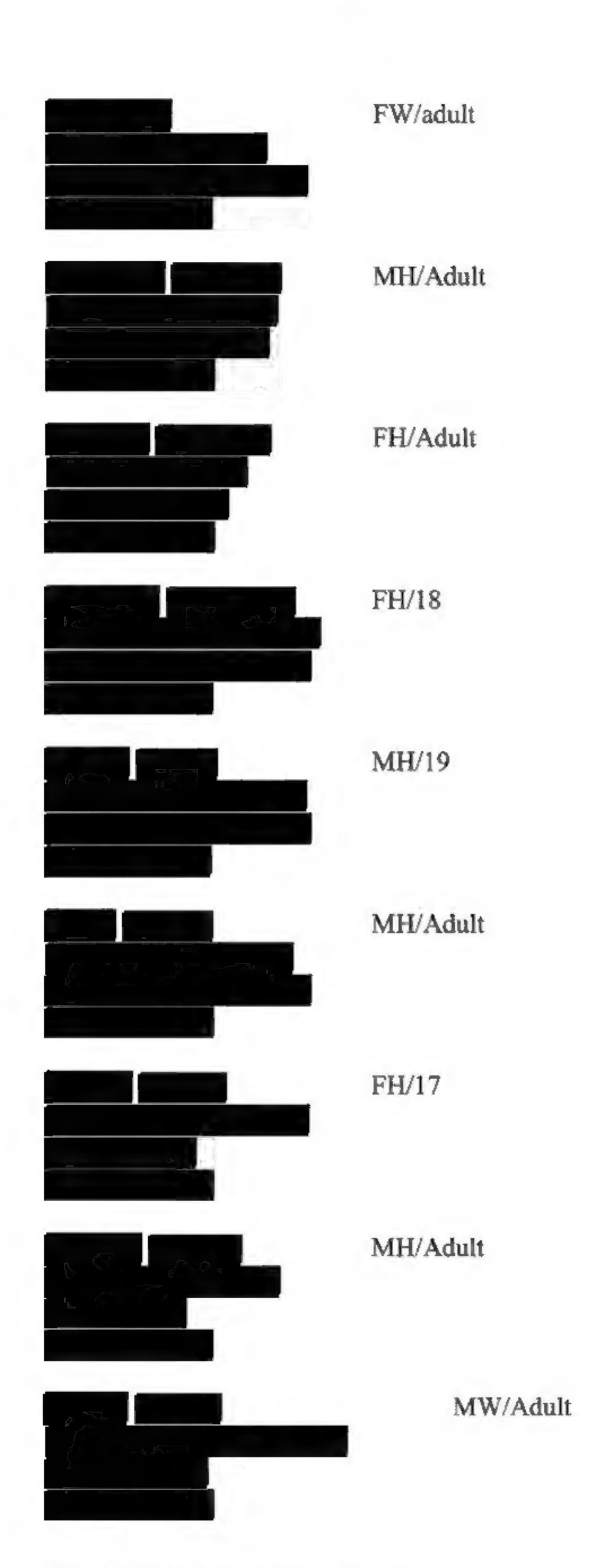
Moreno, Stephen G., Deputy Sheriff, #[redacted]
Industry Station

Encinas, Marco A., Deputy Sheriff, #[redacted]
Industry Station

Lindblom, Eric R., Sergeant, #[redacted]
Industry Station

NON-EMPLOYEE WITNESSES

Approximately 40 individuals were contacted the night of the shooting who told investigators that they had not seen the shooting. Some said they heard the shooting, but none of them witnessed the suspect or deputies' involvement in this incident. The following listed individuals were interviewed and indicated they had witnessed part or all of the scenario:



[redacted] FW/adult

[redacted] MH/Adult

[redacted] FH/Adult

[redacted] FH/18

[redacted] MH/19

[redacted] MH/Adult

[redacted] FH/17

[redacted] MH/Adult

[redacted] MW/Adult



[redacted] MH/19

[redacted] FH/Adult

[redacted] FH/Adult

[redacted] MW/Adult

[redacted] MH/17

[redacted] MH/Adult

[redacted] MW/55

[redacted] MW/Adult

INJURIES

Deputy [redacted] was transported to Harbor/UCLA Medical Center where he was treated for a gunshot wound which entered the back of his neck and exited through his lower jaw. The

bullet traveled through and severely damaged his right carotid artery. He was pronounced dead on June 15, 2005.

Suspect Paul Smith sustained multiple gunshot wounds including four to his torso and one to the third and fourth fingers of his right hand. Los Angeles County Fire Department Engine 26 personnel responded to the location, assessed him and pronounced him dead at 2233 hours.

PHYSICAL EVIDENCE

Bullet impact strikes were identified at the following specific locations:

- in the floor of Room 219
- in both the east and west door jam of Room 219
- in the west side of a trash container east of Room 219's window
- in the west side of the air conditioning unit for Room 218
- one apparent bullet strike on the west facing surface of the railing north of the cement walkway next to Room 216.

Expended 9 mm cartridge cases were recovered from the cement sidewalk outside and near Room 220 consistent with the deputies stated positions during the shooting. Six metal pellets were located in five different locations including on the ground outside Room 119 and 148, on the hood of a car parked near Room 120, and on the ground next to a car outside Room 220. A deformed (apparently fired) lead bullet was also found on the floor of Room 219. A purchase receipt from Big 5 Sporting Goods dated June 9, 2004, at 1530 hours, for the Gamo pellet gun was recovered from Room 219. Pellet holders and a can of pellets were also found inside the suspect's room.

Deputies fired a total of ten rounds. The suspect fired at least five pellets which were recovered by field investigators. The draperies to Room 219 (suspect's room) were drawn closed.

Refer to **Exhibit C** photographs and **Exhibit H** supplemental report beginning on page 22.

INVESTIGATOR OBSERVATIONS

The location is a two story motel complex along side the Interstate 60 Freeway. The rooms are in a "U" configuration and the suspect's room was on the second floor in approximately the middle of the north-facing wing. The room is accessed by stairways at either end of the wing and an exterior concrete walkway.

LIGHTING AND WEATHER CONDITIONS

Hours of darkness on a clear night.

WEAPONS USED BY INVOLVED DEPUTY PERSONNEL

Deputy [redacted]:

Service Weapon Type:	Department Issued Beretta 92F 9mm Semi-Automatic pistol
Rounds Fired:	Two
Type of Ammunition Used:	Department Issued Luger (Win) Ranger SXT 147gr.
Date Last Qualified:	[redacted]

Deputy Mort:

Service Weapon Type:	Department Issued Beretta 92F 9mm Semi-Automatic pistol
Rounds Fired:	four
Type of Ammunition Used:	Department Issued Luger (Win) Ranger SXT 147gr.
Date Last Qualified:	[redacted]

Deputy Angulo:

Service Weapon Type:	Department Authorized .45 caliber Semi-Automatic pistol
Rounds Fired:	Four
Type of Ammunition Used:	Department Authorized Winchester Ranger "T" series
Date Last Qualified:	[redacted]

WEAPON USED BY SUSPECT

Gamo PT-80 air pistol, caliber 4.5mm (1.77). No latent prints found.

PROPERTY DAMAGE

Numerous bullet strikes at 1154 Seventh Street, interior of room 219 and exterior walls and surfaces. Refer to scene sketches and Evidence List (**Exhibit D**), by Forensic Scene Specialist Sue Baker.

CRIMINAL INVESTIGATOR/CHARGES FILED

Investigators' Names:	Sergeant C. Brackpool and Detective S. Leavins, Homicide Bureau
Charges:	Assault with a Deadly Weapon on a Peace Officer

SYNOPSIS

Involved Industry Station deputies responded Code 3 to an illegal shooting call at the Motel 6 complex. Upon arrival, Deputy [redacted] got out of his radio car and made contact with the informant and other witnesses. Second to arrive was Deputy Angulo, followed by two-person unit Deputy Mort and Deputy [redacted]. Mort got out and joined [redacted] who told him that witnesses stated the weapon involved was a "BB gun." Deputy [redacted] attempted to put out a Code 4 but his transmission was broken and mostly unintelligible. While seated in his radio car monitoring Dispatch 8 and L-Tac, Deputy [redacted] heard handling unit Deputy [redacted] ask (over L-Tac) if he just heard a Code 4

go out and [redacted] confirmed that he did. [redacted] confirmed the status of the call (with [redacted]) and requested [redacted] to put out a Dispatch 8 transmission to reflect the Code 4, which [redacted] immediately did.

Deputies Mort, [redacted], Angulo and [redacted] then walked from the north end of the complex lot to the southwest end and went up the stairs to contact the suspect who was reportedly inside Room 219 (In interviews after the shooting, Deputy Mort and Deputy [redacted] said it was their intention to tell who they thought would be juveniles, to "knock it off" and warn him about using BB guns). Deputies went up the west end staircase (west of Room 219) and once on the second floor walkway, walked east in a linear configuration toward the room. As they were passing Room 220, Deputy Mort asked a couple who were inside the open-windowed unit if they had heard any shots or commotion before the deputies arrived. The occupant (Witness [redacted]) said he had not.

Still lined up against the north-facing wall, Mort knocked on the door of Room 219 and announced the presence of the deputies. At the same time, Mort ordered the occupant to open the door. After a few seconds with no response, the door suddenly opened. From the deputies position against the exterior wall just west of the opened door, Deputy Mort saw only an extended hand pointing a dark colored handgun, which he perceived as a semi-automatic pistol, at him and the other deputies. He then saw puffs of smoke coming from the end of the barrel of the weapon. Absent an exposed suspect to fire on, Deputy Mort opened fire on the gun as did Deputies [redacted] and Angulo. Deputy [redacted] did not have a clear target acquisition as he was behind the three other deputies. While the front three deputies were firing at the perceived threat, Deputy [redacted] noticed Deputy [redacted] turn around from a position facing the open motel room, to his left (toward the railing), and then fall to the floor of the walkway in front of him. Soon thereafter, the deputies saw the suspect laying on the floor. Once the suspect was down, deputies were able to care for the wounded Deputy [redacted], and clear the room of other potential suspects. There were no other suspects.

INVOLVED EMPLOYEE STATEMENTS

Deputy Mort was interviewed by Homicide Bureau detectives at 0350 hours on June 10, 2004, (see Homicide Bureau Supplemental Report [June 25, 2004], page 8, **Exhibit H**,). Attorneys Richard Shinee and Elizabeth Gibbons were present during the interview. Deputy Mort was later interviewed by Internal Affairs Bureau Sergeants Stunson and Landreth on February 16, 2006. He was represented by attorney Elizabeth Gibbons of the law office of Green and Shinee. Statements in his second interview were consistent with the statements in his first interview.

Deputy Mort said that he and his partner Deputy [redacted] responded Code 3 to a "shots fired" call at the Motel 6. Upon arriving, they saw Deputy [redacted] and Deputy Angulo were already there. Deputy [redacted] was already out of his radio car and talking with witnesses. Deputy Mort exited his radio car and walked up to where Deputy [redacted] was just finishing speaking with the witnesses. When he asked Deputy [redacted] was what going on, [redacted] told Deputy Mort that there was someone in Room 219 who had a BB gun and who had been firing it prior to the arrival of deputies. Deputy Mort said he and Deputy [redacted] decided to go up to the room and talk with the individual who was firing the BB gun.

All four deputies walked upstairs to make contact with the occupant(s) of Room 219. En route, they stopped at Room 220, located one room west of 219. Through the open window, Deputy Mort said he asked the couple inside if they had heard any gunshots or seen anyone with a gun. The male occupant (Witness [redacted]) of Room 219 said he did not (**Note:** The female companion [redacted] in Room 220 later told investigators she was asleep at this time). The deputies then walked up to Room 219's door. Deputy Mort knocked and announced the deputies presence by saying, "Sheriff's Department. Open the door." He said Suspect Smith immediately opened the door holding a gun, which he pointed at the deputies. When the suspect pointed the gun at the deputies and pulled the trigger, Deputy Mort shot at least three rounds from his duty weapon at the suspect. He said, "From my point of view, I saw a gun come out. I saw him, I saw trigger pulls. I fired back, what I remember, three rounds, because he was pointing a gun."

Deputy Mort said Deputy [redacted] was "on my left, I was against the wall, and he [Suspect Smith] came out firing with, he was pointing the gun directly at Deputy [redacted] I thought he was going to kill Deputy [redacted] so I fired in his direction. I fired there, what I think was three times and then stepped back." Deputy Mort said he then saw Deputy [redacted] fall to the ground, appearing injured. At this time, he said:

> I lost visual of the gun, turned my attention toward Deputy [redacted] I saw Deputy Angulo step over Deputy [redacted] and I was dealing with Deputy [redacted] and then I remember, hey, I gotta see if the suspect's down or not. We can't be hanging out here if he's still up. So then Deputy [redacted] and I walked to the open door. I saw the guy laying on the ground and then I seen [sic] the gun laying to his, which would have been the south of him, in the room between him and the bed. I saw he wasn't moving or anything, and then we went right back to Deputy [redacted]

Deputy Mort told detectives that he personally did not make contact with the juveniles who were providing Deputy [redacted] with information in the parking lot when the four deputies first arrived. When asked what specific information Deputy [redacted] relayed to him, Deputy Mort said that [redacted] told him that "there was a guy in Room 219 with a BB gun and then he and I decided to go contact the guy. So all he told me was there was a guy in Room 219 with a BB gun." Deputy Mort recalled that Deputy [redacted] did not tell him what the suspect was doing with the BB gun.

When he was asked by the detective what he was thinking and what he planned on doing when he made contact with the person in Room 219, Deputy Mort said, "Go to this guy, to whatever he's doing with his BB gun, [tell him] to knock it off." When asked what he was thinking after being told by occupants in Room 220 that they didn't hear any gunshots, Deputy Mort said, "It actually lowered my awareness – or not awareness, but my, my heightened-ness about the situation."

Detectives then asked Deputy Mort what he was thinking when the suspect opened the door and came out with a weapon. Mort said, "I remember thinking, oh, shit. There's a gun, and then I, and then I saw the trigger pull, and that's when I said, shit, I gotta fire back because he's going to kill [redacted]." He said he had his gun out when he originally knocked on the door of Room 219.

He said the suspect's handgun looked "like a 9mm handgun just like I carry."

IAB Note: Refer to photograph of Suspect Smith's Gamo pellet gun in Exhibit C, figures 9 & 10).

Deputy Mort said that when he knocked on the door of Room 219, Deputy [redacted] "is to my left, basically against the railing. Deputy Angulo is behind me, slightly to my left so he's splitting the area between [redacted] and myself." He said Deputy [redacted] was directly behind him. He said that Deputy [redacted] was "less than a foot" away from him when the shooting started. He said he did not know what was going on behind him because his focus was on the opened doorway and the handgun when it came within view and aimed at him.

He said he and the remaining uninjured deputies removed Deputy [redacted] from the upstairs landing area and took him to the parking lot so he could be provided medical assistance.

Refer to Internal Affairs Bureau "Deputy Interviews" interview transcriptions (listed in alphabetical order in this casebook), and Deputy Mort's Homicide interview beginning on page 328 of Exhibit H.

Deputy Angulo was interviewed at Industry Station by Homicide Bureau detectives at 0415 hours on June 10, 2004. He was accompanied by Attorneys Elizabeth Gibbons and Richard Shinee during the interview. He said he heard the call of "some shots fired down at the Motel 6" and responded to the call. He heard on the radio that Deputy [redacted] arrived on-scene a minute or so ahead of him. When he arrived, he saw Deputy [redacted] talking with a group of individuals who appeared to be in their late teens. Deputy Angulo exited his radio car and stayed back from the group to watch over the area as Deputy [redacted] spoke with the individuals. It appeared that whoever the person was who was fired the shots was now gone. About the same time, Deputies [redacted] and Mort arrived and they walked up to Deputy [redacted] and the group of people. Deputy Angulo said he walked back to the patrol cars and "sat back with Deputy [redacted], talking." At some point Angulo gathered "some information passed that it was just, it was a pellet gun or a BB gun or something of that nature." He said, "We were going to go up to the room and tell him [suspect] to knock off whatever he was doing." He said that the group of deputies walked across the parking lot in a southerly direction to the south-side staircase. Deputy Mort ascended the stairs first, followed by Deputy [redacted] then Deputy Angulo and finally by Deputy [redacted].

Deputy Angulo said that as they arrived at Room 220, "Deputy Mort asked the people [specifically Witness [redacted]] in Room 220 if they heard any gunshots and they said, 'No." The deputies then walked further east to Room 219 and Deputy Mort knocked on the door. He said that at the time Mort knocked on the door, Deputy Mort was ahead and slightly to the right of him, and Deputy [redacted] was ahead of Angulo and slightly to the left. Deputy [redacted] was behind Deputy Angulo. He said that after approximately five seconds, "the door opened very quickly and Deputy Angulo saw "a black handgun come out from the door."

Deputy Angulo said:

> Believing that whoever was inside the room [and who] armed himself was the shooter, I brought my weapon up, at which point in time I heard two to three shots. It kinda popped. It sounded like maybe a .22 or something of that nature, and I returned fire. I shot one or two rounds in that direction, and as I was doing this, I felt a sting in my leg and I had been hit with, at that time I figured I [had] just been shot in the leg. I've never been shot anywhere. After firing two rounds, I saw Deputy [redacted] He came into my vision like kinda on the left and a little bit in front of me, and he turned and I saw blood coming from his neck, and he, he, I don't want to say he walked, but he took like a step or down, like down the hallway, and fell to the ground. As he was doing this, I could see the suspect with the black handgun in his hands, pointing the gun down range. It seemed like he was going to shoot again. I stepped past Deputy [redacted] I fired two to three more shots at the suspect. I saw the gun fall from the suspect's hand as he fell foward, and I went back. I don't, I didn't go any further forward. Deputy [redacted] and Mort left to go ahead and check on the body and I went back to Deputy [redacted] He was lying, I put him on his left side, chest first, with, face down and I saw, you know, blood coming from the right side of his neck, and I looked at him and I seen he was shot....

When asked about what he was thinking after the witnesses provided information to deputies before they began their walk up to the suspect's room, Deputy Angulo said:

> It was very low keyed walking to the room. Obviously we're going to do a door knock, you know. You [don't know] what's behind the door so my gun was out. I was already, I didn't really sense a, a high threat level at all. The people in the room, it was 220, said they hadn't heard any shots. I had[n't] heard of any shots that was on the additional call or none of that. I was thinking it was some sort of pellet gun thing and a problem between, I assumed, kids. I thought the person we contacted was going to be of a younger age. Well, obviously we were trying to be ready [but] low key.

Deputy Angulo said when he saw the black handgun, he believed it was a "real semi-automatic type of handgun." He said at his first glance, he had no indication whatsoever that the weapon was a pellet gun. He said his choice to fire his duty weapon was based on the threat level, which included the sight of the handgun pointed in his direction, coupled with hearing projectiles being fired out of it.

> **IAB Note:** Refer to photograph of Suspect Smith's Gamo pellet gun in Exhibit C, figures 9 & 10).

When the detective asked him if he could recall "where Deputy [redacted] was when [he] actually fired [his] first round or two," he said, "No, I don't." He said he did not see Deputy [redacted] in his field of vision. He said when he "began firing, there was nothing between myself and the suspect." When asked what the suspect was doing after Deputy Angulo saw Deputy [redacted] apparently shot, he said, "He was almost in a crouched position, not quite in the doorway, but the best way I can describe it

is, as I'm facing him, his right shoulder would've been right at the edge of the doorway, not into it, and the gun was (unintelligible)." He said when he re-engaged the suspect, the black handgun was still pointed at him and his fellow deputies.

Near the end of the interview, a detective stated, "A few minutes ago you indicated that you thought that you might've shot Deputy [redacted] **(IAB Note:** This statement was apparently prior to the audio taped portion of the interview, as no such statement was in the interview transcript). Why do you think that? Deputy Angulo's response was:

> Based on where we were. The fact that he was shot on the right side of his neck and I was on his immediate right. When he turned to fall, it was the first time I noticed in my field of vision, but to me, it was definitely in my field of vision. Whether he was in my firing line, I don't know. My initial belief was that he had been shot by the suspect but after finding out it was a BB gun, I mean, you can put together – things together quickly it was a deputy that had shot him.
>
> **IAB Note:** The Internal Affairs Bureau investigator attempted to schedule an interview with Deputy Angulo but he did not return calls requesting the interview. Deputy Angulo left a voice mail message with his residence and cellular telephone numbers on February 21, 2006. However, he did not respond to voice mail messages left at the two numbers by the investigator on February 22, 2006. On March 8, 2006, a letter was mailed to Deputy Angulo requesting he contact the investigator to schedule the interview but he declined to respond. According to Personnel Administration, Employee Service Assistant I Elsa Moreno and the Employee Information System (EIS) database, Deputy Angulo retired from the Sheriff's Department on March 2, 2006.

EMPLOYEE WITNESS STATEMENTS

Witness Deputy [redacted] was interviewed by Homicide detectives at 0310 hours on June 10, 2004, at Industry Station. Also present were his representative, Elizabeth Gibbons and Internal Affairs Bureau Sergeant John Cleary. He was interviewed by Internal Affairs Bureau Sergeants David Stunson and Larry Landreth on February 16, 2006. Ms. Gibbons was present again. Deputy [redacted]'s statement in his Internal Affairs Bureau interview was consistent with his Homicide interview

Deputy [redacted] said he was working with partner Deputy Mort when they received a call and responded to a "shots fired" call at Motel 6 on Seventh Avenue in Hacienda Heights. When he and Deputy Mort arrived, Deputy [redacted] saw Deputy [redacted] near the motel office talking with several juveniles. He also noticed Deputy Angulo was already in the parking lot of the motel. Deputy [redacted] said that Deputy Mort and Deputy [redacted] determined there was a man in Room 219 who had been shooting a BB gun at the juveniles and that the man should be contacted regarding his activity.

All four deputies walked up to the second floor via the west end staircase to Room 219. Deputy Mort knocked on the door to Room 219 while announcing the deputies presence. Deputy [redacted] said that Suspect Smith immediately answered the door. He was holding a gun which he began firing at

the deputies who were assembled on the second floor landing adjacent to the room. Deputy [redacted] heard gunshots and saw Deputy [redacted] fall to the ground, obviously injured. Once the suspect was contained, Deputy [redacted] assisted other deputies and moved Deputy [redacted] from the landing down to the parking lot area to allow him to receive medical treatment.

For the complete Homicide interview transcript, see Exhibit H, beginning page 304.

Refer to Internal Affairs Bureau interview transcription (listed in alphabetical order in this casebook).

Witness Deputy Antuna was interviewed on June 10, 2004, by Homicide investigators regarding her observations responding to the location following the shooting. She said she and Deputy Stephen Moreno responded from Industry Station regarding a "998" put out over the radio. Upon arrival, she saw a deputy with his back to the north, apparently holding someone at gunpoint inside one of the second floor rooms. As she and her partner ran up the west stairwell to assist, she saw Deputy [redacted] laying face up on the landing, his head pointed to the west. She noticed he had an apparent gunshot wound to the right side of his jaw and he was bleeding. She assisted other deputies in providing emergency medical attention, then helped to carry Deputy [redacted] down to the parking lot in preparation to have him transported to the hospital.

Witness Antuna's interview by Homicide Detectives was summarized and included beginning on page 5. Her supplemental report is on page 101 of Exhibit H.

Witness Deputy Moreno was interviewed by Homicide investigators on June 10, 2004. He said he and his partner Deputy Atuna responded to the location regarding a "998" they heard broadcast over the radio. Witness Moreno said once they arrived, he and Deputy Antuna went upstairs to where three other deputies were assisting the wounded Deputy [redacted] He saw that one deputy was pointing his gun into Room 219 and he saw a man later identified as the suspect, laying face down, with his right arm under his body, on the floor inside the room. The witness saw a black pistol laying on the floor next to the suspect (refer to **Exhibit C**, photograph, **figures 9, 10 & 13**). He said when he first saw the pistol on the floor, he thought it was a firearm, but upon closer examination, he saw the CO2 cartridge and then realized it was a pellet gun.

Witness Moreno saw that the suspect was still alive and was concerned he may have a weapon concealed under his body. The witness ordered the suspect to show both of his hands but the suspect did not respond. Once Sergeant Lindblom arrived, Deputy Moreno entered and cleared the room while the sergeant and another deputy (Deputy Frank Higuera, #[redacted]) contacted and handcuffed the suspect. No other suspects were discovered in the room.

Witness Moreno's interview by Homicide Detectives was summarized and included beginning on page 7 and his supplemental report is on page 156 of Exhibit H.

Witness Deputy Encinas and his partner (Deputy Brian Hunt, #[redacted]) responded to the location regarding the shooting incident. According to his supplemental report, upon arrival, he saw Deputy Higuera holding a male white adult (later identified as Suspect Smith) at gunpoint. The witness noted that the suspect was laying on his stomach on the floor of his room, with his right arm under his body and his left arm above his head. Encinas saw a pellet gun laying on the floor approximately 1 ½ feet to the left of the suspect. The witness assisted Sergeant Lindblom and Deputy Higuera search the room and handcuff Suspect Smith. After his initial activities, he was detailed to attempt to locate witnesses to the shooting and he had no other observations of the scene.

Witness Encinas' supplemental report begins on page 156 of Exhibit H.

Witness Sergeant Lindblom was a P.M. shift field sergeant (Unit 142S) on June 9, 2004, when he responded to the location regarding the broadcast of a "998." According to his supplemental report, when he arrived, he saw that two deputies were at the open door to the suspect's room (219) and other deputies were tending to the injured Deputy [redacted] Deputies on scene told him the suspect had yet to be taken into custody.

The witness approached the open motel room door where Deputies Higuera and Encinas were pointing their weapons at the suspect, who was laying on the floor. The sergeant noted the suspect was on his stomach with his head to the east and his feet to the west, his left arm was extended over his head and his face pointed to the right. He also noted the suspect's right hand was underneath his body and not visible to deputies. The suspect was breathing but unresponsive to commands to remove his hand from under his body. The witness also noticed that a gun was "just to the right" of the suspect, on the floor. Because he noted the gun was a CO_2 powered pellet gun, and believing that the injury he saw on Deputy [redacted] was not likely caused by that pellet gun, he told Deputies Higuera and Encinas there was possibly another suspect and/or (firearm) weapon inside the room. While the deputies entered the room to clear and render it safe, the sergeant grabbed the suspect's right hand out from underneath him and then handcuffed him. Witness Lindblom requested another paramedic unit for the suspect after he was handcuffed and deputies had determined he had no other weapons. He coordinated having the location contained and restricted for crime scene investigators.

Witness Lindblom's supplemental report begins on page 176 of Exhibit H.

CIVILIAN WITNESS STATEMENTS

Witness [redacted] was telephonically interviewed by Homicide detectives on June 15, 2004. He said he had known Suspect Smith for approximately 18 years starting when they began working together in Gardena. He said that the suspect was employed for about 13 years prior to his lay-off in 2000 or 2001. The suspect had received a severance package which included ten months of pay and proceeds from a 401K account. The witness kept in contact telephonically with the suspect for some time but eventually lost contact with him in late 2002, until early in 2003, when the suspect called him. When he went to see him, Suspect Smith would not answer the door or let him inside which required him to talk to him through a window. He said the suspect looked like he

had lost weight and was in ill health. He said Suspect Smith declined to seek medical attention when Witness [redacted] suggested it.

Witness [redacted] contacted Suspect Smith's father and told him about the suspect's condition. The father called the Department of Public Social Services and Suspect Smith was committed under a 5150 W.I.C. detention on January 27, 2003. The suspect's two firearms were confiscated at that time. (Refer to related psychiatric reports in **Exhibit H**, beginning on **page 267**). The witness said that after Suspect Smith was released, he would periodically pick up groceries for Smith as well as check on his welfare. Approximately a year prior to the shooting incident, the witness was notified by the Sheriff's Department (an unknown person) that the suspect had been evicted from his condominium and taken to Motel 6 as a temporary residence solution. The witness continued to visit the suspect at the motel and said the suspect continued to be unemployed and live the life of a loner. Witness [redacted] said that approximatley 3 weeks prior to the shooting, Suspect Smith expressed suicidal thoughts to him. He said the suspect did not specifically state he wanted to kill himself, but instead gave the impression that he was considering it.

The witness said he heard the news reports about the shooting and was subsequently contacted by the Coroner's office. He believed the suspect was perhaps drunk or wanted to die at the time of the incident.

Refer to Homicide supplemental reports (Exhibit H) for their summary of his interview.

Witness [redacted] was interviewed by Homicide investigators the night of the shooting. She said she was inside her motel room (Room 222) when she decided to go outside to smoke a cigarette. When she came out, she saw a white male standing on the second floor landing just outside Room 219. Simultaneously, a 20-something Hispanic male with a shaved head who was standing in the parking lot below her, warned her to watch out for the same white male because he had a gun. He said, "If I was you, I would go back in your room. That guy has a gun." She immediately went back into her room. A few minutes later while she was talking on her telephone, she heard several police officers walk by her room as she could hear their radios as they passed. She then heard approximately ten gunshots. She then hid in her bathroom because she knew the gunshots were close. Prior to the gunshots, she heard one of the deputies say, "Sheriff's Department. Please open the door." She later identified the deceased suspect as the same person who she earlier saw and who she was told was armed, outside her room just moments prior to the shooting.

Witness [redacted]'s interview by Homicide Detectives was summarized and included beginning on page 43 of Exhibit H.

Witness [redacted] was interviewed on June 10, 2004 by Homicide investigators. She told them she checked into the Motel 6 two days prior to the shooting and was staying in Room 110. She said that at around 2000 hours, while playing cards with a hotel clerk in the lobby, motel guests began making several calls into the office to report a man with a gun who was shooting at the rear of the motel. The witness said she left the office and went to the rear to see if she could see the man with the gun. As she did so, several people began to run toward the lobby from the east parking lot

saying, "they are shooting." Witness [redacted] looked toward the second floor and saw a man standing on the second floor landing. She described the man as a thin, Hispanic adult, about twenty-five years old and wearing a hooded sweatshirt with the hood pulled over his head. She said he was holding a black handgun with a two handed grip and position, with a white towel partially concealing the gun. The man fired two times in her direction and said, "Why are you guys running for, it's just a BB gun." She said the man spoke in English but, "Like a Hispanic home boy." He said this as he looked over the landing's railing and then shot at her and other people who were running from him.

Witness [redacted] told detectives she thought the gun was real and she was afraid of being shot. She ran back to the lobby and told the clerk that a man was shooting a gun. The clerk locked the lobby door and then telephoned the Sheriff's Department. The witness then saw the man with a gun standing outside the lobby doors and then she saw him point his gun toward the lobby in the direction of the cashier area. He then walked out into the parking lot where he pointed the gun in all directions. She said he carried the gun with his right hand but when pointing and firing it, he held it with both hands.

The witness said the suspect then walked upstairs and to a second floor room (Room 219) where he stood outside the room on the landing. When deputies arrived, he smiled and went inside the room and closed the door. She said he later exited and ran east along the second floor landing and out of her view. She did not see him re-enter the room but admitted she was not in constant view of the room to see if the man re-entered the room one last time prior to the shooting.

Witness [redacted] said four uniformed deputies arrived at the motel complex and walked upstairs toward Room 219 from the west. They walked with their right sides along the wall of the rooms as they approached. She said they knocked on other room doors as they approached Room 219. She said as they reached Room 219, all four stood just west of the room door while one of them knocked on Room 219's door. She said the door opened quickly and a male adult emerged from the room pointing a handgun directly at the deputies and firing several shots at them. The deputies returned fire and the witness saw one of the deputies fall to the upper walkway floor near Room 219. She thought the deputy was shot by the male who was shooting at the deputies.

> **Witness [redacted]'s interview by Homicide Detectives was summarized and included beginning on page 50 of Exhibit H.**

Witness [redacted] was interviewed on June 10, 2004, at 0225 hours by Homicide investigators. She told them she and some of her friends checked into the motel for a graduation celebration, renting a room on the second floor (later identified at Room 257) in the southwest wing of the motel. They all went inside their room.

Her friend [redacted] walked out of the room onto the second floor walkway. He came back into the room telling them there was a man outside with a fake gun. Witness [redacted] and her friends stepped outside the room and saw a white male walking toward them and pointing a black colored pistol-type gun in their direction. He approached them on the walkway saying, "Freeze, get back in the room." The witness and her friends quickly walked away from the man and down the

stairs toward the lobby. She said the man followed them for part of the way and she heard approximately three shots which she believed were coming from the man who was behind them. She never actually saw him shoot but recognized the sounds as gunshots which came from the direction where she last saw the man. She and her friends ran into the motel lobby to report the incident. One of the friends of the witness told her the man had re-entered his room. Three uniformed deputies arrived a few minutes later and she and her friends told deputies what occurred and that the man with the gun was in Room 219.

Witness [redacted] said deputies then went upstairs and approached Room 219 from the west while she watched from just outside the lobby. The deputies lined up and stood against the room walls and then knocked on the door of Room 219. After a brief delay, the door opened quickly. She couldn't see anyone in the room but heard a shot come from inside the room and then saw deputies "shot back" several times into the room. "One of the police officers was shot down. One of your own guys shot him [Deputy [redacted] because he was in the way." When one of the Homicide interviewers asked her, "Did you see that?, She said, "Yeah." She said when the shooting began, the middle deputy stepped forward and left toward the balcony railing and it was her impression that a deputy to his rear, shot the deputy in the middle which caused him to fall. Refer to [redacted]'s sketch of the scene (**Exhibit H, page 54**) to see positioning of the deputies at the time of the shooting.

> **Witness [redacted]'s interview by Homicide Detectives was summarized and included beginning on page 52 of Exhibit H.**

Witness [redacted] was interviewed on June 10, 2004, by Homicide Detectives. He said that he was at the motel with friends celebrating a graduation when the group went upstairs to inspect their room (Room 257). The witness subsequently exited the room and walked over to the east stairwell where he encountered a male white (Suspect Smith) crouched down and placing a magazine into what looked to him to be a "Walther" or USP type semi-automatic handgun. The man pointed the pistol at him and said, "Move, keep on going. Go back up. Go in the room." The witness could see the barrel opening on the gun was small and he believed it to be a BB gun.

Witness [redacted] said he returned to Room 257 and told his brother [redacted] about the man with the gun outside. [redacted] told everyone to leave the room and they all complied. As he and his brother and friends exited the room, the suspect was walking on the balcony toward them and he was pointing a handgun at them as they walked away. The group walked down the stairs and as they arrived at the bottom of the stairwell, he heard the sound of a ricochet. The witness said the sound came from the position where he last saw the suspect and he believed the suspect was shooting at them. He looked up at the suspect's location on the upper walkway and saw the man pointing the handgun at them as they continued to walk to the lobby.

When they arrived at the lobby, some of the members of the group entered the lobby office and some stayed just outside in the parking lot to monitor the suspect's whereabouts. Witness [redacted] watched the man walk over and into Room 219. Within a few minutes, four uniformed deputies arrived. He told the deputiesof his observations including that he believed the gun was a BB gun and that the

suspect went inside Room 219. Witness [redacted] told deputies he wanted to press charges against the suspect because he shot the BB gun at him.

Witness [redacted] said he watched as deputies went to the west side staircase, climb the stairs onto the landing and walked toward Room 219. He said one tall deputy knocked on the door of Room 219, while the remaining three deputies stood behind and west of the first deputy, in a linear configuration. After a brief delay, the door opened quickly. [redacted] noticed the same man with the gun he had previously seen, was standing in the open doorway of Room 219 and pointing the black BB pistol directly at the deputies. The pistol was in the suspect's right hand and his right arm was extended toward the deputies. The witness believed the suspect opened the door with his left hand because he was holding the pistol with his right hand when the door opened. The deputies fired approximately 9 to 12 rounds at the man holding the pistol. The deputy behind the first, tall deputy, fell to the floor and the suspect fell inside the room. The witness said it was his immediate impression that the second deputy in the line of deputies was shot by one of the deputies behind him. He said that when the shooting began, the second deputy stepped to his left as the deputy behind him was firing. He thought that the third deputy in line was the one who shot the second deputy. He said his view of the shooting was clear and unobstructed.

Witness [redacted] was briefly interviewed the night of the shooting by Industry Station patrol Deputy Jason LaVallette, [redacted], prior to his Homicide interview. The report written by Deputy LaVallette indicates that the witness stated essentially the same thing as he stated in his later Homicide interview. The only exception was that LaVallette's report indicated the witness said he "saw a deputy fall down as it appeared the deputy tripped during the shooting."

Witness [redacted]'s interview by Homicide Detectives was summarized and included beginning on page 54 of Exhibit H.

Witness [redacted] was interviewed on June 10, 2004, by Homicide Detectives. He said he was at the motel with friends ([redacted] and [redacted], [redacted], [redacted]) who had rented a room (Room 257) to celebrate a graduation. His friends went up to the second floor room but he never went up to it. Witness [redacted] was driving his car in the east parking lot and he saw a man (male white, 40s) who had a gun in his right hand, walking up the east stairwell. The witness said the gun was a "black 9mm type pistol." He noticed his acquaintance, Witness [redacted], exiting Room 257 at the same time. Witness [redacted] saw [redacted] walk east on the walkway toward the man with the gun. [redacted] said that Witness [redacted] came face-to-face with the armed man at the top of the stairwell and the man (suspect) pointed the gun at Witness [redacted]. [redacted] said he heard the armed man say to Witness [redacted], "Move out of my way, don't move, walk straight, go to your room." Witness [redacted] responded by turning and walking west, away from the armed man. The man followed [redacted].

The friends of the witnesses exited Room 257 and Witness [redacted] believed he heard the armed man ask the friends to walk to his (suspect's) room with him. One of his friends said, "No," and then the group walked to the stairs and down to the parking lot while the armed man followed along the upper

walkway while pointing the pistol at the group. Witness [redacted] met his friends in the east parking lot and they all walked to the motel lobby/office together. The armed man remained on the balcony. The man fired two shots at the group as they walked away from him and the group of friends then went inside the lobby and told a female employee what happened. The female employee immediately dialed "911."

Witness [redacted] and some of his friends walked out of the lobby and stood in the parking lot next to the lobby. He watched as the man walked back to Room 219, go inside, and then turn off the interior lights. Deputies arrived after the armed man went into his room. The witness and his friends told the deputies what had happened. Specifically, they told deputies that the man went inside Room 219 and that the weapon he had been using was probably a BB gun.

He said the deputies then went up to Room 219, approaching from the west stairway. When deputies knocked on the door next to Room 219, Witness [redacted] shouted to them that the suspect was in the next room east of their location (219). A tall white deputy stood immediately west of 219's door and knocked three times on it saying, "Open the door." The remaining deputies were lined up behind the tall deputy. About one minute passed, then someone inside Room 219 quickly opened the door. The witness could not see into the room from his vantage point but he heard three to four muffled shots coming from inside the room. The deputies fired four to six shots into Room 219. The tall white deputy was the deputy closest to the open door and the first to shoot inside Room 219. The second deputy, who was behind and out to the left from the first tall deputy, also shot into the room. The second deputy fell down during the shooting and did not get back up. The witness said the rounds fired by the deputies were fired in rapid succession and he did not know if the third deputy shot. Witness [redacted] saw deputies taking the injured deputy down from the balcony and into the parking lot.

[redacted] told detectives that the sounds he heard initially were recognizable to him as being the same sounds he heard when the suspect had been firing at the group of friends earlier, prior to the deputies being called. He believed the same gun which fired the shots at deputies was used to shoot at him and his friends earlier. He said the deputies' shots were much louder.

> **Witness [redacted]'s interview by Homicide Detectives was summarized and included beginning on page 57 of Exhibit H.**

Witness [redacted] was interviewed at 2200 hours on June 9, 2004, by Homicide investigators. She said she and her husband (Witness [redacted]) stopped behind the Denny's Restaurant to enable her husband to use the restroom. The location provided Witness [redacted] an unobstructed view of the north-facing motel room, including Room 219 (refer to Exhibit B diagrams). As she waited for her husband to return, she saw several deputies approach one of the upstairs rooms. The first deputy knocked on the door with his flashlight. She recalled three deputies lined up west of the same motel room. She said, "They opened this door, the guy pulled out a gun, he shot this deputy and then these deputies started shooting at him." She re-stated, "The guy came out with his gun and shot at the deputies." She saw one of the deputies fall and also saw the man

in the room fall. When the shooting stopped, the deputies tended to the fallen deputy. She said there were no other persons out on the landing aside from the man in the room and deputies, when the shooting occurred.

> **Witness [redacted]'s interview by Homicide Detectives was summarized and included beginning on page 65 of Exhibit H.**

Witness [redacted] was interviewed at 2130 hours on June 9, 2004, by Homicide Detectives. He told them that he and his wife (Witness [redacted]) stopped and parked behind the Denny's Restaurant so he could use the restroom. He got out of his car and saw deputies on the second floor landing of the Motel 6. He said, "Cops were knocking on the door" of a motel room. "Whoever opened the door started shooting at the cops." He said he could not hear anything being said by deputies or the occupant of the room but saw one of the "cops" hitting the door with a flashlight. He said, "The door just popped open, or he (suspect) opened the door and fired." He said the deputies returned fire. The shots "happened all at once." The witness said one of the deputies and the man shooting at them were "down on the ground."

> **Witness [redacted]'s interview by Homicide Detectives was summarized and included beginning on page 66 of Exhibit H.**

Witness [redacted] was interviewed by Homicide investigators on June 10, 2004, at 0140 hours. He said he checked into Motel 6 and was assigned to Room 258 which is located on the second floor on the east side of the motel. At about 2200 hours, he was walking from the ice machine back to his room when he saw a Hispanic male and female couple exiting Room 257. He saw an "older white male" (suspect) standing near the couple and pointing a handgun at them. The man told the couple to, "Open the door and get back in the room." The witness said the gun "looked like a 9mm to me." The witness said that he quickly entered his room and then looked out his window and saw the suspect still standing outside and holding and pointing the handgun. He said the man ultimately walked west and out of his view. He later heard "about four shots and then an additional five shots." After the shooting stopped, when he left his room to see what had happened, he saw police activity in the parking lot. He later saw the man with the gun laying on the second floor landing in front of Room 219. He said it looked like the guy he had previously seen pointing a gun at the couple.

> **Witness [redacted]'s interview by Homicide Detectives was summarized and included beginning on page 67 of Exhibit H.**

Witness [redacted] (referred to as [redacted] elsewhere in this narrative) was interviewed by Homicide Detectives on June 10, 2004, at about 0200 hours. He said that he and his brother [redacted] and their girlfriends had exited their room, Room 257. They saw an "older white male" walking up the stairs leading to the second story landing. He was pointing a gun at the two men and their girlfriends. The man (suspect) pointed the gun at his brother [redacted], and told him "not to move and get back in the room." The witness described the gun as "like a 9 [9mm]...but it was like

a pellet gun or a BB gun." He said his brother ignored the suspect's comments and he continued to walk from the room. The witness and their female companions also walked past the suspect to the stairway. As they walked down the stairs, the witness heard two shots fired from the suspect's gun. The pellets hit the wall near them. The two couples walked to the office to report the incident and deputies arrived a short time later.

Upon their arrival, deputies contacted them and interviewed the two couples regarding the incident. The deputies then walked upstairs to Room 219 and one of them knocked on the motel room door. The door opened and the suspect exited the room, pointing a handgun at the deputies. The witness heard gunfire and saw a deputy fall while the gunfire continued. After the shooting stopped, additional deputies arrived. The witness had no further information about the incident.

> **A summary of Witness [redacted]'s interview by Homicide Detectives begins on page 68 of Exhibit H. His initial comments to patrol deputies are in the supplemental report beginning on page 183.**

Witness [redacted] was interviewed by Homicide investigators on June 10, 2004, at 0214 hours. She told detectives that at about 2130 hours, she was doing laundry at the motel when she was contacted by her friend "[redacted]," who told her that someone was shooting at people. She said she and her friend went to the motel office. Other people had congregated inside the office/lobby area. As she entered the office, she looked out the window to the south toward the north-facing rooms. She saw a male standing near Room 219 or 220 and he was aiming a weapon toward the lobby. So she backed away from the window. She soon heard gunfire. During a lull in the gunfire, she stepped back to the window and saw several deputies approaching Room 219. One of the deputies knocked on the door to 219 but apparently, there was no response. The deputy knocked again, the door opened and she heard additional gunfire. She told detectives, "I saw gunfire being exchanged, but the first gunfire came from the other side, not from deputies." She later looked back out the window and saw a deputy down on the floor. She had no further observations.

> **A summary of Witness [redacted]'s interview by Homicide Detectives begins on page 68 of Exhibit H.**

Witness [redacted] was interviewed by Homicide Detectives on June 10, 2004, at about 0227 hours. She said she was with her friends (the [redacted] and Ms. [redacted]) in Room 257 at the motel. [redacted] and her friends were leaving the room at about 2200 hours when she saw a male white adult (suspect) walking up the stairs and holding a handgun. The suspect pointed the weapon at her and her friends and said, "Please, get back in your room." The group ignored his demand and walked down the stairs to the parking lot and over toward the office. As the group walked away from the suspect, he shot at them with the gun. She said the shots, "sounded like a BB gun." Soon after they arrived at the office, deputies arrived and talked with Witness [redacted] and her companions. Through the office window, she watched as the deputies walked up the stairway to the second floor and then approached the suspect's room (219). After one of the deputies knocked on the suspect's door, the door opened and shots were fired. She said the suspect fired and then the deputies fired at the

suspect. She saw one of the deputies fall and saw the suspect fall also. She had no further observations.

A summary of Witness [redacted]'s interview by Homicide Detectives begins on page 69 of Exhibit H.

Witness [redacted] was interviewed by Homicide Detectives on June 10, 2004, at 0239 hours. He is the brother of Witnesses [redacted] and [redacted] and also related that he was at the motel with his brothers and friends. He said that at about 2200 hours, he was seated in his truck in the Motel 6 parking lot, parked below Room 257, when he saw a male white adult who was holding a handgun and walking near the stairway. His brothers and friends were walking near the stairs when the white male pointed his handgun at his companions, who then walked down the stairway and away from the suspect. The witness attempted to call police from his cellular telephone but the line was busy.

The witness went to the motel office and told the employee what he saw and the employee called police. Witness [redacted] left the office to relocate his companions and rejoined them as they were walking to the office. The witness looked up and saw the suspect enter Room 219. When deputies arrived, they interviewed the witness and his companions prior to going up to the suspect's room. He said the suspect answered the door holding a handgun after one of the deputies knocked on his door. The suspect shot at the deputies and the deputies returned fire. One of the deputies fell to the floor and additional gunfire occurred. He saw deputies move the wounded deputy to the parking lot.

A summary of Witness [redacted]'s interview by Homicide Detectives begins on page 69 of Exhibit H.

Witness [redacted] was interviewed by Homicide investigators on June 10, 2004, at 0250 hours. He said on the evening of June 9, 2004, he was with the [redacted] and others who were checking into Room 257, while he and Witness [redacted] were both seated in [redacted]'s truck. He said the truck was parked in the southeastern end of the parking lot when he saw a male white (suspect) on the stairs which leads up to the motel's second floor. The suspect was at the top of the stairs and the witness saw that he was pointing a handgun at his friends as they were exiting Room 257. Like [redacted], he tried to call "911" on his cellular telephone but he could not get through. When his friends walked down the stairs, they all went to the office and told the employee what had occurred before she called police. When deputies arrived, they interviewed the witness and his friends. Witness [redacted] was not able to provide any further information of events.

A summary of Witness [redacted]'s interview by Homicide Detectives begins on page 70 of Exhibit H.

Witness [redacted] was interviewed by Homicide Bureau investigators on June 10, 2004, at approximately 0300 hours. He said when he was in the motel lobby the evening before the shooting at around 2130 hours, several people entered and asked the motel clerk to call the police. They were talking about a man who had a gun and they said, "shots [were] fired at the backside of the motel."

The witness looked to the south and saw a man (suspect) walking to Room 219. He said, "The next thing I know, he's in a firing position with the gun pointing out toward people in the parking area." When deputies began to arrive, the witness and others were interviewed by the deputies, who soon left and approached Room 219. The witness saw one of the deputies knock on the door to Room 219 and as it opened, Witness [redacted] heard a shot being fired. He could not see the suspect but heard additional shots fired, then a brief pause in gunfire before more gunshots rang out. He said a deputy fell to the ground. He saw two deputies step over the fallen deputy and heard "officer down" coming from the deputies. He had no further observations.

A summary of Witness [redacted]'s interview by Homicide Detectives begins on page 70 of Exhibit H.

Witness [redacted] was interviewed by Industry Station patrol Deputy J.J. Garcia, #[redacted], on the evening of June 9, 2004, after being detailed to do so by the handling unit, Deputy [redacted] Witness [redacted] told the deputy that he and [redacted], both truck drivers from out of state, were staying in Room 220. Ms. [redacted] was asleep and the witness was watching television when he saw a flashlight illuminating his front window. Through his motel room's open window, a deputy asked the witness if he heard any gunshots. As the witness began to answer that he had not, he heard approximately ten gunshots through the window. A few minutes later, the witness looked through his window and saw that a deputy had been injured and was being carried down the stairway. He had no other information about the incident.

A summary of Witness [redacted]'s interview by Homicide Detectives begins on page 106 of Exhibit H.